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Summary of Stakeholders' submissions on the Republic of Korea*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 16 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Commission of Korea (NHRCK) recommended that the authorities make efforts to accede to human rights treaties and their optional protocols that have not yet been ratified, and to withdraw reservations to the core human rights treaties.[2]

3. NHRCK noted that the Government revised the second National Action Plan on Human Rights for 2012-2016 to incorporate the recommendations from the 2nd universal periodic review (UPR). It reported, however, that the action plan has not been fully implemented.[3]

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4. NHRCK recommended adopting a separate national action plan on business and human rights.[4]

5. Noting a UPR recommendation on racism and xenophobia[5], NHRCK stated that the authorities failed to make sufficient efforts to improve legislative and institutional framework to address hate speech. It recommended adopting a comprehensive anti-discrimination law which prohibits all the grounds of discrimination covered by the international human rights instruments.[6]

6. NHRCK recommended that the authorities draw up measures to step up sanctions on perpetrators of sex crimes against children or minors, and take comprehensive actions to tackle sexual harassment through social network services and other online platforms, and sexual violence among students in schools.[7]

7. While noting efforts of the Government to improve the human rights protection in the armed forces, NHRCK stated that cases of verbal violence, abuse and violations of the right to health and to life had still been reported. It was necessary to establish a military ombudsman within the Commission.[8]

8. NHRCK recommended introducing alternatives to military service for the consciences objectors.[9]

9. NHRCK reported on the under-representation of women in the labour market. Women often had to take up low paid non regular jobs. Balancing work and family life remained difficult largely due to the lack of decent public day care facilities and the low use of paternity leaves.[10] The Government has made some efforts to increase employment rates of women and younger people, but those efforts had limited effect in the last three years.[11]

10. NHRCK noted with appreciation that the Government has made some efforts to improve legal and institutional framework to promote human rights of persons with disabilities. However, it was concerned that there was still a room for improvement in raising public awareness about them and that many persons with mental disabilities were mostly involuntarily hospitalized for medical treatment, instead of being provided with community care. It recommended that the Government shift the focus of its policy and take measures to help persons with disabilities return to social life and promote their deinstitutionalization.[12]

11. The amount of benefits of the basic pension scheme for older persons was not enough to cover their living costs.[13]

12. The Government has taken policy measures to protect the rights of migrants. However, most of these actions were focused on registered foreigners, including migrant workers arriving to the country under the Employment Permit System (EPS) and marriage migrants, leaving unregistered migrants and their children in very vulnerable conditions. In addition, the system restricted employees' freedom to change their work places. Female migrants holding E-6 visas (arts and entertainment) were reportedly facing high risk of being exposed to sexual exploitation.[14]

III. Information provided by other stakeholders

A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

13. Joint Submission (JS) 1 stated that the Government should present an implementation plan on the ratification of ICPPED,[17] ICRMW, ICCPR-OP2,[18] OP-ICESCR, OP-CAT, OP-CRPD and CRC-OP-IC.[19]

14. Amnesty International (AI) recommended ratifying and implementing the International Labour Organisation conventions no. 29 on Forced or Compulsory Labour, no. 87 on Freedom of Association and Protection of the Right to Organise, no. 98 on Right to Organise and Collective Bargaining, and no. 105 on Abolition of Forced Labour.[20] Additionally, JS3 recommended ratifying International Labour Organisation Convention no 189 concerning decent work for domestic workers.[21]

15. Center for Global Nonkilling (CGNK) recommended ratification of the Protocol III additional to the Geneva Conventions.[22]

16. It was recommended that the authorities withdraw the reservation to Article 22 of ICCPR[23] and the reservation to CRPD.[24]

17. JS1 stated that decisions of the United Nations treaty bodies on the individual complaints had not been fully implemented under the excuse of discrepancy with the national legislation.[25]

B. National human rights framework[26]

18. AI welcomed the efforts of the Government to incorporate accepted recommendations from the universal periodic review into its second National Action Plan on Human Rights, which was adopted in 2012.[27]

19. JS1 stated that the progress of the development of a new national action plan on human rights for 2017 to 2021 remained unclear as of March 2017. The Government should guarantee the participation of civil society organisations in the development of the plan and make the process transparent.[28]

20. JS1 reported that although National Human Rights Commission of Korea (NHRCK) maintained its A-status in 2016, the Sub-Committee on Accreditation of Global Alliance of National Human Rights Institutions reiterated its recommendation to make vacancy announcement and to establish an independent body for the selection of commissioners of NHRCK. JS1 stated that although an amendment to the National Human Rights Commission Act was made in 2016, it did not stipulate the establishment of an independent selection and appointment committee, the development of transparent selection criteria, and the guarantee of full participation by and consultation with civil society.[29] AI stated that procedures of selection, appointment, removal and terms of tenure of members of the Commission should be clearly specified and done through a transparent process in line with the Paris Principles.[30]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[31]

21. JS1 stated that the Government should enact a comprehensive anti-discrimination act that prohibits all forms of discrimination, including race, gender, sexual orientation, and gender identity through discussions with civil society and key stakeholders.[32]

22. JS1 stated that racial discrimination and hate speech against foreigners have been widespread.[33]

23. JS2 stated that the Government has refused to register births of children of foreign nationals. The parents might register the birth of their child through the embassies of their

countries. However, refugees were often reluctant to approach the embassies to register the birth of their child.[34] CGNK encouraged the Government to establish a comprehensive birth registration system.[35]

24. Human Rights Watch (HRW) recommended adopting regulations and policies that provide parental leave for both women and men and eliminate discriminatory provisions in law and policy that disadvantage a single parent, or parents who are not officially married, and their children.[36]

25. Kaleidoscope noted an increase in the number of people living with HIV and stated that persons with HIV/AIDS continued to suffer from societal discrimination and social stigma.[37] JS5 reported on discrimination against and refusal to provide medical treatment to persons living with HIV/AIDS by the medical professionals.[38]

26. HRW stated that foreigners who wanted to apply for a visa for an extended stay in the country were required to prove that they were HIV negative. It recommended eliminating all aspects of discriminatory travel restrictions against persons with HIV/AIDS.[39]

27. JS1 and JS5 stated that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons were subject to discrimination and stigmatization in public and private spheres.[40] JS5 reported on incidents of hate crimes against them. LGBTI adolescents remained a vulnerable group, at the risk of being exposed to hate speech and bullying and of terminating their studies. JS5 concluded that the authorities failed to provide equal protection to LGBTI persons.[41]

28. AI reported that the Military Criminal Act continued to punish consensual sexual activity between people of the same sex in the military. Gay men faced considerable difficulties in fulfilling their military obligations free from violence, bullying or verbal abuse.[42] JS1, JS5 and Kaleidoscope made similar observations.[43]

29. AI reported that civil society LGBTI groups continued to face discrimination, including at the hands of authorities. In 2015, the Beyond the Rainbow Foundation was refused registration, and the Seoul Metropolitan Police refused to grant a permit to the Pride Parade. The ban was only overturned when the organizers filed a petition to the court.[44] JS1and JS5 made similar observations.[45]

30. Kaleidoscope Australia Human Rights Foundation (Kaleidoscope) stated that the Republic of Korea did not recognise marriage between same-sex couples. The legislation did not specifically state that marriage was between a man and a woman, but all rights and duties in the legislation described marriage as between a husband and wife.[46] JS5 made similar observations.[47]

31. Kaleidoscope stated that LGBTI persons faced discrimination in the context of adoption as they were effectively prohibited from adopting children under the age of 15.[48]

32. JS1 stated that the Government should officially state that it does not tolerate any form of social stigmatization and discrimination, including violence against persons based on their sexual orientation or gender identity and develop and carry out public campaigns and training to public officials to promote sensitivity and respect for diversity in respect of sexual orientation and gender identity.[49] AI recommended repealing Article 92(6) of the Military Criminal Act, which prohibits and punishes consensual sexual activity between people of the same sex in the military.[50] It recommended protecting all persons from hate speech and violence, regardless of ethnicity, gender, real or perceived sexual orientation or gender identities.[51]

33. JS5 reported that transgender persons were forced to undergo irreversible surgeries for legal gender recognition.[52] Kaleidoscope reported that the requirements to be eligible for

gender affirmation surgery were complex, discriminatory and restrictive. It recommended that the Government does not impose a requirement that gender affirmation surgery be performed to legally change gender and should remove the stringent requirements regarding marriage and parental status as requirements to undergo gender affirmation surgery.[53]

Development, the environment, and business and human rights

34. JS3 stated that the Government should introduce a national action plan for an effective implementation of the United Nations Guiding Principle on Business and Human Rights and should adopt a plan to hold chaebols (family-based conglomerates) responsible for decent wage and working conditions, labour rights, effective protection and adequate compensation for industrial accident.[54]

2. Civil and Political Right:

Right to life, liberty and security of person[55]

35. JS1 stated that the death penalty had not been carried out since 1997. However, the sentences of the capital punishment continued to be imposed.[56] AI recommended commuting without delay all death sentences to terms of imprisonment and accelerating the procedures leading to the full abolition of the death penalty in law.[57]

36. JS1 reported on cases of death of soldiers in the military due to unidentified causes or suicide. It stated that the Government should introduce an independent military ombudsman with the authority to make visits without prior notice and to access to relevant information.[58]

37. JS1 stated that national laws did not have a clear definition of torture or other cruel, inhuman or degrading treatment and that the prosecution rate was reportedly low.[59]

38. JS1 stated that the 2013 plan against domestic violence considered domestic violence as a private issue of persons involved, which does not require social intervention. The focus of the plan was to maintain a normal family life. The prosecution rate of domestic violence cases remained low. It stated that domestic violence was not properly punished and victims were exposed to continued threats. The Government should amend the legislation, which did not ensure punishment of domestic violence perpetrators, and improve the victim support system.[60]

Administration of justice, including impunity and the rule of law[61]

39. AI recommended ensuring that laws and regulations governing the use of force by law enforcement officials are in line with international standard and that law enforcement officials responsible for unnecessary or excessive use of force, as well as their superior officer(s), are brought to justice without delay.[62]

40. AI reported that there was no specialised body dealing with complaints against the police.[63]

Fundamental freedoms[64]

41. International Fellowship of Reconciliation (IFOR) noted with concern the non-recognition of the right of conscientious objection to military service.[65] AI reported that the refusal of military service carried a criminal penalty of up to three years of imprisonment.[66] IFOR noted with concern the routine imprisonment of the large numbers of conscientious objectors and repeated punishment of those who refused the call-up to reserve service on grounds of conscience. There was theoretically no restriction on the cumulative length of sentences for refusing reserve service.[67] European Association of Jehovah's Christian

Witnesses (EAJCW)[47] and AI[48] made similar observations. AI stated that many government-linked organizations would not employ conscientious objectors with a criminal record, and that major private companies often required applicants to provide details of their military service during the recruitment process.[49]

42. AI recommended inter alia bringing the legislation into line with international human rights law and standards so it provides for the recognition of conscientious objection and for individuals to register their objection; ensuring that, if conscientious objectors are not entirely exempted from military service, they have the option to perform an appropriate alternative non-punitive service of a genuinely civilian character, under civilian control and of a length comparable to that of military service and releasing all individuals imprisoned solely for exercising their right to refuse to perform military service in the absence of a civilian alternative.[50] EAJCW,[51] IFOR,[52] CGNK,[53] and JS1[54] made similar recommendations.

43. HRW stated that the Government continued to use criminal defamation laws to silence the media and civil society activists expressing views or making reports that go against the Government's views. HRW recommended that the authorities end prosecutions of persons under criminal defamation laws and that the authorities revoke its criminal defamation laws, and instead employ civil defamation and criminal incitement laws.[55] JS1 and World Alliance for Citizen Participation (CIVICUS) made similar observations and recommendations.[56]

44. CIVICUS recommended ensuring that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive; refraining from censoring social and conventional media and ensuring that freedom of expression is safeguarded in all forms.[57]

45. JS1 reported that public officials and school teachers were legally prohibited from expressing their political opinion and affiliating to a political party. The duty of political neutrality was imposed on public officials, teachers and employees in public institutions and cooperatives to maintain impartiality in public services. However, those who were subject to the laws were excessively prohibited from exercising their rights to freedom of expression in their daily lives outside of their duty. JS1 stated that the Government should revise the related laws so that freedom of expression of public officials who are not in senior executive or elected position, teachers, employees in public institutes and cooperatives are fully guaranteed.[58]

46. AI reported that in December 2014, the Constitutional Court ruled to dissolve the United Progressive Party on the basis that the party had violated the "basic democratic order". This was a particularly alarming development, as it is the first time since 1958 that a political party has been disbanded in the Republic of Korea.[59] KCSL made similar observations.[60]

47. HRW explained that the National Security Law (NSL) imposed criminal penalties on anyone who joined or induced others to join an "anti-government organization" and on anyone who constitute or join an organization aimed at propagating, inciting, praising, or acting in agreement with an "anti-government organization". That term was not clearly defined in the law.[61] KCSL noted the recommendations from the universal periodic review[62] to amend the Nation Security Law and stated that the authorities failed to amend the Law.[63]

48. AI stated that detention and prosecution under the National Security Law had been used persistently as a form of censorship to intimidate and imprison people exercising their rights to freedom of expression and association.[64] CIVICUS, JS1 and KCSL made similar observations.[65]

49. AI recommended abolishing or fundamentally amending the National Security Law so that it conforms to international human rights law and standards.[87] In particular, HRW recommended inter alia that the definition of "anti-state organization" in article 2 should be amended to include only groups that advocate the violent overthrow of the government and that Article 7 should be abolished in its entirety as it uses undefined and broad terms to refer to outlawed acts such as praising, spreading or joining an "anti-state organization," and circulating "false facts" that "threaten confusion of the social order."[88]

50. CIVICUS stated that the Civil Act required associations and foundations seeking legal personality to receive explicit approval from relevant authorities and that the authorities could deny legal personality to an association or foundation if it was deemed to have operations outside its stated objectives. It reported that on several occasions the authorities had invoked the Civil Act to sanction and/or silence independent or outspoken civil society groups.[89]

51. Furthermore, CIVICUS reported that the Act on Collections and Use of Donations imposed arbitrary and debilitating limitations on access to funding for civil society groups. Under the Act, civil society groups must register all resource mobilisation activities for amounts over 10 million won (approx. 8,340 USD). Those organisations that raised more than 10 million won without prior registration could be considered in violation of the Act and subject to sanctions. CIVICUS stated that the authorities have frequently rejected applications for registrations under the Act.[90]

52. AI stated that a cumbersome notification process, the absence of a legal provision allowing spontaneous and urgent assemblies, the wide range of options for authorities to ban assemblies or impose far reaching restrictions on them, were all elements in the Assembly and Demonstration Act, which placed an undue burden on the organizers and restricted the right to peaceful assembly.[91]

53. CIVICUS noted the increasingly hostile approach of the authorities to mass demonstrations and reported that the authorities have orchestrated a systemic crackdown on human rights defenders, civil society activists and union representatives to prevent them participating in and organising public demonstrations. It was concerned by the use of excessive force by security forces to disperse peaceful demonstrations.[92] AI stated that a number of incidents involving reports of unnecessary or excessive use of force by the police had raised concerns over police accountability. Farmer-activist Baek Nam-gi was injured and later died when the police used water cannons during a large anti-government protest on 14 November 2015.[93]

54. AI recommended guaranteeing the full enjoyment of the right to freedom of peaceful assembly; initiating a comprehensive review of the Assembly and Demonstration Act and of current regulations regarding the use of water cannons during policing of demonstrations to bring it in line with the international human rights law and standards.[94]

55. Additionally, CIVICUS called on the Government to create and maintain, in law and in practice, an enabling environment for civil society and recommended ensuring that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or harassment and conducting impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bringing perpetrators of such offences to justice.[95]

Prohibition of all forms of slavery[96]

56. AI stated that the definition of human trafficking was not consistent with international law.[97] JS2 reported that law enforcement officers often failed to identify victims of human trafficking and trafficking victims who were trafficked for labour and sexual exploitation could not receive a proper protection.[98]

Right to privacy

57. JS1 stated that investigative and intelligence agencies could obtain personal information of subscribers from telecommunication companies without a warrant issued by a court under the Telecommunication Business Act. The authorities should amend the Act to ensure that the subscribers' information might be issued with a warrant only.[99]

3. Economic, Social and Cultural Rights

58. JS4 stated that in the past few years, the authorities had acted repeatedly to close down the activities of certain unions, repress rallies, ban strikes, and to arrest and prosecute key trade union organisers and activists. It noted with concern the arrest and prosecution of many trade unionists and reported on cases of leaders of the Federation of Korean Trade Unions (FKTU) and the Korean Confederation of Trade Unions (KCTU) receiving prison terms for their involvement in public demonstration, as well as of several union leaders and members who had been arrested in purely industrial cases.[100]

59. JS4 noted with concern the refusal to register and attempts to de-register unions – notably the Korean Teachers and Education Workers Union (KTU) and the Korean Government Employee's Union (KGEU). Korean Government Employees Union had been attempting to register as a trade union for more than a decade, but had been repeatedly denied. The authorities claimed that the union had violated Korean law requiring civil servants to remain politically neutral. JS4 reported that the Migrants Trade Union first applied for legal recognition in 2005, and won a High Court ruling two years later. However, the Ministry of Labour refused to register it. In 2015, following a ten-year legal struggle, the Supreme Court ultimately did rule in favour of the Migrants Trade Union.[101] APMM stated that leaders of the Migrant Trade Union had reportedly been threatened with deportation and tailed by immigration police.[102]

60. JS4 noted with concern a series of raids of trade union premises and reported on raids carried out in the offices of KGEU and KCTU in 2013, KTU in 2014, the Korean Public Service and Transport Workers' Union (KPTU) in 2015.[103]

61. JS3 stated that the legislation defined a justifiable strike in a narrow sense and it was almost impossible for workers to stage a legitimate strike in a way they could put substantial pressure on their employer. Most strikes regarded illegal and once a strike was declared illegal, those who called the strike or joined the strike faced disciplinary measures including dismissal, criminal sanctions under the Criminal Act (Obstruction of Business) and damaged lawsuit and provisional seizure of the asset.[104] JS4 made similar observations and expressed concern about the criminalisation of strikes and other trade union activities and excessive damages claims against workers.[105]

62. JS4 reported that the right to strike was entirely negated for teachers and public officials by the legislation, that criminalised industrial action by teachers and public officials and their unions. It concluded that the criminalisation of strikes by teachers and public officials was contrary to international standards on freedom of association, and had been criticised by the International Labour Organisation supervisory bodies and by the United Nations Special Rapporteur on freedom of assembly and association.[106] JS3 made similar observations.[107]

63. JS4 stated that the Trade Union and Labour Relations Adjustment Act (TULRAA) purportedly protected trade unionists from civil damages claims, but the protection was narrow and failed to protect trade unionists from damages claims arising from disputes that were clearly within international concepts of freedom of association.[108]

64. JS4 recommended that the authorities make appropriate revisions to the Criminal Code and associated legislation, to ensure that core trade union activities such as strike

action cease to be regarded as criminal and introduce effective legislation to ensure that trade unions are appropriately protected from damages claims in all situations where the action complained of stems entirely or substantially from trade union activities, including strike action. It recommended that the authorities release all trade unionists detained on grounds relating to their participation in trade union activities, cease pending prosecutions against them and ensure that all State agencies, including the police and Ministries cease harassing, raiding and obstructing trade unionists.[109]

Right to work and to just and favorable conditions of work

65. JS4 stated that while the number of workers in the precarious situations exceeded 10 million, measures to protect those workers' rights were inadequate. The average monthly wage for non-regular workers had been about 49 percent of that of regular workers.[110]

Right to social security[111]

66. JS3 stated that the Government reduced the number of recipients of the national basic livelihood security system though there was no change in poverty rate. The number of beneficiaries of living allowances (basic cash benefit for the poor) was 1.25 million as of 2015. While there were about 4.39 million people living in the absolute poverty.[112]

67. JS3 noted that the poverty rate of older persons was 49.6 percent. Yet, the benefit amount of the national pension system was low.[113]

Right to health[114]

68. JS3 stated that the Government should suggest practical measures to strengthen the publicness of health and mitigate the burden of medical bills.[115]

Right to education[116]

69. JS3 stated that the Government should increase the amount of national scholarship fund, eliminate inequality in access to education and take measures to lessen the burden of the tuition fees.[117]

70. JS2 stated that the education on the rights of the child should be included in the regular education curriculum.[118]

71. HRW noted the statement of official of the Ministry of Education made in 2017 that the new national sex education curriculum would not mention homosexuality.[119] JS5[120] and JS1[121] made similar observations.

4. Rights of specific persons or groups

Women[122]

72. JS2 reported on discrimination against women and on the gender wage gap. Additionally, about 53 percent of women employees were in non-regular jobs. It noted the low rate of women in high decision making positions and in the National Assembly.[123]

73. While noting acceptance by the authorities numerous recommendations from the universal periodic report on the protection of women's rights, HRW observed that laws on abortion were punitive and harmful to women. Abortion was considered a crime. Exceptions were permitted only in cases of rape or incest, if the parents could not marry legally, if continuation of the pregnancy was likely to jeopardize the pregnant woman's health, or when the pregnant woman or her spouse has one of several hereditary disorders or communicable diseases. The criminalisation of abortions meant that many abortions were illegally performed.[124]

Children[127]

74. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that the Government accepted two recommendations from universal periodic review[128] to prohibit corporal punishment in all settings during the universal periodic review of 2012. The Children's Rights Ordinance was enacted in Seoul, prohibiting corporal punishment in all settings. However, the prohibition was not extended to other provinces.[129]

Persons with disabilities

75. JS2 stated that the Act on Welfare of Persons with Disabilities did not cover various needs of persons with disabilities or include persons with disabilities who have intellectual and mental impairments.[130]

76. JS2 noted an increase in the number of residential institutions, indicating that the deinstitutionalisation strategy was not effective. There were not enough measures to integrate people with disabilities into the community. The Government provided welfare/social services based on the income of the family rather than the income of the person with disabilities.[131]

Migrants, refugees and asylum seekers[132]

77. AI research indicated that a significant number of migrant workers continued to be at risk of human rights abuses. Many migrant workers, including those in the agricultural sector, were forced to work in conditions to which they did not agree, under the threat of some form of punishment, including dismissal, non-renewal of their visa or threats of violence and they were effectively subjected to forced labour. They also suffered unreasonable limitations to their ability to change jobs, in turn a major cause of for exploitation by their employers. Significant numbers of migrant agricultural workers have been trafficked to the country for exploitation, including forced labour.[133] Similarly, Asia Pacific Mission for Migrants (APMM) reported that migrant workers continued to be regularly exposed to serious exploitation, which included excessive working hours, unpaid overtime, denial of rest days and breaks, threats, violence, trafficking and forced labour.[134] JS2 stated that female migrant workers frequently suffered from sexual harassment and violence.[135]

78. AI recommended allowing greater flexibility in the time frame within which migrant workers have to secure new employment and amending the current Employment Permit System Act to ensure that an application for a visa extension or a renewal is not restricted or refused on the basis that migrant workers have changed jobs.[136] APMM recommended allowing migrant workers to change jobs under Employment Permit System without having to obtain a release form from their previous employer.[137]

79. AI recommended repealing Article 63 of the Labour Standards Act and ensuring that the rights it protects, in particular in respect to working hours, daily breaks and weekly paid rest days, are extended to all workers, including migrant workers.[138]

80. APMM recommended prosecuting employers who evaded the responsibilities of paying the migrants of their severance pay and pension plans and setting up an effective and efficient mechanism to ensure that migrants can receive their severance pay and pension after years of working in the company.[139]

81. APMM noted an increase in marriage migration. Long-term stay in the country and the acquisition of nationality of marriage migrants totally relied on their Korean spouses. There were cases of marriage migrants' application for the citizenship was denied because their Korean spouses or family did not have enough funds or properties required by the

legislation. Marriage migrants of whom many were women found themselves suffering from domestic violence, racial and gender discrimination.[138]

82. APMM stated that the Employment Permit System Act did not solve the problem of undocumented migrants, but rather perpetuated hiring of undocumented migrants by Korean companies to evade compliance on minimum wages, benefits and leaves.[139] JS2 stated that some medical services have been provided for undocumented migrants, but the services were limited to the hospitalization and operation costs. Undocumented migrant children were excluded from Medical Insurance System. While noting high number of undocumented children, JS2 stated that the internal guideline of the Ministry of Justice has suspended the deportation of undocumented migrant children enrolled in schools until the completion of the high school. However, there were more than 100 undocumented migrant children being detained after deportation orders.[140] JS2 reported that crackdown on undocumented migrants has resulted in death or sever injuries.[141]

83. JS2 reported that there were no legal provisions that put limitations on the length of detention and that indefinite detention of asylum-seekers and refugees was possible without a judicial review. Some refugees had been detained in the immigration detention centre for years while waiting for the result of the refugee application.[142] AI recommended ensuring that asylum-seekers are not arbitrarily detained and that detention is used only as a last resort in cases where their detention is necessary and proportionate to a legitimate purpose and putting in place policies and systems that ensure the effective protection of refugees and asylum-seekers and enable them to meet their basic needs in a manner consistent with human rights and human dignity.[143]

84. AI recommended initiating an overhaul of the resettlement support process for arrivals from the neighbouring country, and ensuring that such individuals are detained for the shortest possible period, and that their detention is in line with international law and standards, in particular by giving them prompt access to their family and friends, legal counsel and civil society organizations of their choice during the entire length of their detention and during interrogations.[144]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
APMM	Asia Pacific Mission for Migrants, Hong Kong, China;
CIVICUS	World Alliance for Citizen Participation, Johannesbourg, South Africa;
CGNK	Center for Global Nonkilling, Honolulu, United States of America;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London , United Kingdom of Great Britain and Northern Ireland;
EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem, Belgium;
HRW	Human Rights Watch, New York, United States of America;
IFOR	International Fellowship of Reconciliation, Alkmaar, the Netherlands;

Kaleidoscope	Kaleidoscope Australia Human Rights Foundation, Clayton, Australia;
KCSL	Korean Committee to Save Lawmaker Lee Seok-ki of the Insurrection Conspiracy Case, Seoul, Republic of Korea.
Joint submissions:	
JS1	**Joint submission 1 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR: Advocates for Public Interest Law (APIL), Catholic Human Rights Committee, Certified Public Labor Attorney's for Labor Human Rights, GongGam Human Rights Law Foundation, Immigrants Advocacy Center GAMDONG, International Child Rights Center, Joint Committee with Migrants in Korea (16 organisations: Asan Foreign Worker's Center, Bucheon Migrant Welfare Center, Chungbuk Migrant Support Center, Global Love and Sharing, Incheon Migrant Worker's Center, Migrant Health Association in Korea We_Friends, Namyangju Migrant Welfare Center, Paju Migrant Worker Center Shalom House, Pocheon Nanum House, Seoul Migrant Workers Center, Solidarity for Asian Human Rights and Culture, The Association Migrant Workers Human Rights, Uijeongbu EXODUS Migrant Center, Women Migrants Human Rights Center of Korea, Yongin Migrant Worker Shelter, Yongsan Nanum House), Korea TransNational Corporations Watch (6 organisations: Advocates for Public Interest Law (APIL), Corporate for All, GongGam Human Rights Law Foundation, Korean Confederation of Trade Unions, Korean House for International Solidarity, Korean Lawyers for Public Interest and Human Rights), Korea Women's Hot Line, Korea Women's Political Solidarity, Korean Confederation of Trade Unions, Korean House for International Solidarity, Korean Lawyers for Public Interest and Human Rights, Korean Progressive Network Jinbonet, Korean Refugee Rights Network (9 organisations: Advocates for Public Interest Law (APIL), GongGam Human Rights Law Foundation, NANCEN (Center for Refugee Rights in South Korea), Save the Children Korea, EcoFemme, Immigrants Advocacy Center GAMDONG, Dongcheon Foundation, MAP Migration to Asia Peace, Human Asia), Korean Women Workers Association, Korean Women's Association United, MINBYUN-Lawyers for a Democratic Society, NHRCK-Watch, Organization Unwed Moms Changing the Future, People's Solidarity for Participatory Democracy, Rainbow Action against Sexual Minority Discrimination (27 organisations: Chingusai – Korean Gay Men's Human Rights Group, Christian Solidarity for a World without Discrimination (Chasegiyeon), Daegu Queer Culture Festival, Daejeon LGBTQ Human Rights Group Solongos, GongGam Human Rights Law Foundation, Gruteogi: 30+ Lesbian Community group, Korea Queer Culture Festival Organizing Committee, Korean Lawyers for Public Interest and Human Rights (KLPH), Korean Sexual-Minority Culture and Rights Center (KSCRC), Labor Party Sexual Politics Committee, Minority Rights Committee of the

Green Party, Lesbian Counseling Center in South Korea, Lesbian Human Rights Group 'Byunnal' of Ewha Womans University, Lezpa : The Korean lesbian community radio group, LGBTQ Youth Crisis Support Center : DDing Dong Network for Global Activism, QUV: Korean LGBTQ University Student Alliance, Rainbow Solidarity for LGBT Human Rights of Daegu, Sexual Minority Committee of the Justice Party, Sinnaneun Center: LGBT Culture, Arts & Human Rights Center, Social and Labor Committee of Jogye Order of Korean Buddhism, Solidarity for HIV/AIDS Human Rights: Nanuri+, Solidarity for LGBT Human Rights of Korea, Pinks: Solidarity for Sexually Minor Cultures & Human Rights, The Korean Society of Law and Policy on Sexual Orientation and Gender Identity, Unni network, Yeohaengja: Gender non-conforming people's community), South Korean NGOs Coalition for Law Enforcement Watch (6 organisations: Catholic Human Rights Committee, Dasan Human Rights Center, Democratic Legal Studies Association, Human Rights Movement Space 'Hwal', Korean Lawyers for Public Interest and Human Rights, Sarangbang Group for Human Rights), Supporters Health And Right of People in Semiconductor Industry, World Without War (Republic of Korea).

JS2 **Joint submission 2 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR;

JS3 **Joint submission 3 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR;

JS4 **Joint submission 4 submitted by:** International Trade Union Confederation (ITUC) Brussels, Belgium and the International Centre for Trade Union Rights (ICTUR) London, United Kingdom of Great Britain and Northern Ireland;

JS5 **Joint submission 5 submitted by:** the Rainbow Action against Sexual Minority Discrimination, a coalition of 27 NGOs, Republic of Korea.

National human rights institution:

NHRCK National Human Rights Commission of Korea *, Seoul, Republic of Korea.

[2] NHRCK, para. 9.
[3] NHRCK, para. 3.
[4] NHRCK, para. 31.
[5] For the full text of the recommendation see A/HRC/22/10, para. 124.30 (Cuba).
[6] NHRCK, paras. 10 and 25.
[7] NHRCK, para. 20.
[8] NHRCK, paras. 28 and 29.
[9] NHRCK, para. 10.
[10] NHRCK, para. 11.
[11] NHRCK, para. 19.
[12] NHRCK, para. 21.
[13] NHRCK, para. 11.
[14] NHRCK, para. 26.
[15] The following abbreviations are used in UPR documents:

OP-ICESCR Optional Protocol to International Covenant on Economic, Social and Cultural Rights;

ICCPR-OP 2	Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
OP-CAT	Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CRC-IC	Optional Protocol to Convention on the Rights of the Child on a communications procedure ;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[16] For relevant recommendations see A/HRC/22/10, paras. 124.1 - 124. 7, 124.10-124.11 and 124.35.
[17] See also CGNK, para. 2.
[18] See also AI, p. 6 and CGNK, p. 4.
[19] JS1, para. 2.
[20] AI, p. 7. See also JS1, para. 2 and JS4, p. 6.
[21] JS3, para. 2.
[22] CGNK, p. 12.
[23] JS4, para. 6. See also JS1, para. 2.
[24] JS2, para. 2.
[25] JS1, para. 2.
[26] For relevant recommendations see A/HRC/22/10, paras. 124.14 and 124.15.
[27] AI, p. 1.
[28] JS1, para. 4.
[29] JS1, para. 3.
[30] AI, pp. 2-5. See also JS1, para. 3.
[31] For relevant recommendations see A/HRC/22/10, paras. 124. 22, 124.23, 124.24, 124. 29, 124.30, 124.33, 124.34, 124.47.
[32] JS1, para. 5. See also JS2, para. 13, JS5, paras. 2 and 11, Kaleidoscope, para. 3.5 and AI, p. 6.
[33] JS1, para. 7.
[34] JS2, para. 10.
[35] CGNK, p. 4.
[36] HRW, p. 5.
[37] Kaleidoscope, paras. 3.8-3.9.
[38] JS5, paras. 35-38.
[39] HRW, pp. 5 and 7.
[40] JS1, para. 6 and JS5, para. 2.
[41] JS5, paras. 5, 7-9, and 22.
[42] AI, p. 4.
[43] JS1, para. 6, JS5, paras. 3, 10 and 11, andl Kaleidoscope, paras. 5.1-5.3.
[44] AI, p. 4.
[45] JS1, para. 6 and JS5, paras. 3, 14 and 15.
[46] Kaleidoscope, paras. 5.6-5.7.
[47] JS5, paras. 31-34.
[48] Kaleidoscope, para. 5.4.
[49] JS1, para. 6.
[50] AI, p. 6. See also Kaleidoscope, p. 6 and JS5, para. 11.
[51] AI, p. 6.
[52] JS5, para. 4. See also paras. 26 and 27.
[53] Kaleidoscope, pp. 8-9. See also JS5, p. 18.
[54] JS3, para. 5.
[55] For relevant recommendations see A/HRC/22/10, paras. 124.13, 124.35 and 124. 37.
[56] JS1, para. 8. See also AI, pp. 1 and 5.
[57] AI, p. 6. See also JS1, para. 8.

[58] JS1, para. 10.
[59] JS1, para. 9.
[60] JS1, para. 11.
[61] For relevant recommendations see A/HRC/22/10, para. 124.36.
[62] AI, p. 6. See also JS1, para. 16, CIVICUS, p. 11 and CGNK, p. 4.
[63] AI, p. 2.
[64] For relevant recommendations see A/HRC/22/10, paras. 124.50, 124.51, 124.52, 124.53, 124. 54, 124.56, 124.57.
[65] IFOR, p. 1.
[66] AI, p. 3.
[67] IFOR, pp. 1 and 4. See also JS1, para. 20.
[68] EAJCW, paras. 4, 6 and 9.
[69] AI, p. 3.
[70] AI, p. 3.
[71] AI, p. 6.
[72] EAJCW, para. 22.
[73] IFOR, p. 6.
[74] CGNK, p. 6.
[75] JS1, para. 20.
[76] HRW, pp. 3-4.
[77] JS1, para. 17, and CIVICUS, pp. 6 and 10.
[78] CIVICUS, p. 10.
[79] JS1, para. 18.
[80] AI, p. 3.
[81] KCSL, para. 9.
[82] HRW, p. 1. See also CIVICUS, p. 6.
[83] For the full text of the recommendations see A/HRC/22/10, para. 124.57 (Germany, Norway, Spain and United Stated of America).
[84] KCSL, paras. 1 and 3.
[85] AI, p. 3.
[86] CIVICUS, p. 6, JS1, para. 21 and KCSL, paras. 2 and 4.
[87] AI, p. 6. See also CIVICUS, p. 10, and KCSL, para. 12.
[88] HRW, p. 2.
[89] CIVICUS, p. 3.
[90] CIVICUS, p. 4.
[91] AI, p. 3. See also JS1, para. 16.
[92] CIVICUS, pp. 2, 4 and 6.
[93] AI, p. 2. See also JS1, para. 16.
[94] AI, p. 6. See also CIVICUS, pp. 10-11 and JS1, para. 16.
[95] CIVICUS, pp. 8- 9.
[96] For relevant recommendations see A/HRC/22/10, paras. 124.42.
[97] AI, p. 5. See also JS2, para. 6.
[98] JS2, para. 6.
[99] JS1, para. 13.
[100] JS4, pp. 2-4.
[101] JS4, pp. 2 and 4. See also JS3, p. 3 and APMM, paras 13, 14 and 18.
[102] APMM, para. 14.
[103] JS4, pp. 2 and 4.
[104] JS3, para. 3.
[105] JS4, pp. 2 and 4.
[106] JS4, p. 5.
[107] JS4, p. 5.
[108] JS4, p. 5.
[109] JS4, p. 5.
[110] JS3, para. 4.
[111] For relevant recommendations see A/HRC/22/10, para. 124.59 – 124.60.

[112] JS3, para. 7.
[113] JS3, para. 11.
[114] For relevant recommendations see A/HRC/22/10, para. 124.60 and 124.62.
[115] JS3, para. 8.
[116] For relevant recommendations see A/HRC/22/10, para. 124.60 and 124.63.
[117] JS3, para. 10.
[118] JS2, para. 8.
[119] HRW, p. 7.
[120] JS5, para. 23.
[121] JS1, para. 6.
[122] For relevant recommendations see A/HRC/22/10, paras. 124.26 – 124.28 and 124.48.
[123] JS2, paras.13 and 15.
[124] HRW, p. 4.
[125] For relevant recommendations see A/HRC/22/10, para. 124.38.
[126] For the full text of the recommendations see A/HRC/22/10, para. 124.38 (Palestine and Hungary).
[127] GIEACPC, para. 1.2. See also JS2, para. 11.
[128] JS2, para. 2.
[129] JS2, para. 2.
[130] For relevant recommendations see A/HRC/22/10, paras. 124.64 – 124.68, and 124.31.
[131] AI, pp. 4-5. See also APMM, para. 11.
[132] APMM, para. 12.
[133] JS2, para. 3.
[134] AI, p. 7.
[135] APMM, para. 24.
[136] AI, p. 7. See also APMM, para. 26.
[137] APMM, para. 27.
[138] APMM, paras. 3, 19, 20 and 21.
[139] APMM, para. 15.
[140] JS2, para. 4.
[141] JS2, para. 4.
[142] JS2, para. 5. See also AI, p. 4.
[143] AI, pp 6-7.
[144] AI, pp 6-7.